IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Con.Case(C).No. 899 of 2007(S)

(NON COMPLIANCE OF THE JUDGEMENT IN OP.19891/1997 Dated 30/01/2004)

PETITIONER/PETITIONER:

GURUVAYUR DRAINAGE ACTION COUNCIL
REPRESENTED BY THE GENERAL CONVENOR
K.G.SUKUMARAN, AGED 72 YEARS, S/O.GOVINDAN,
GURUVAYUR, TRICHUR DISTRICT.

BY ADV. SRI.M.RAJAGOPALAN

RESPONDENT/1ST RESPONDENT IN THE OP:

MRS.LISSI JACOB,
(AGE NOT KNOWN TO THE PETITIONER),
W/O. MR.JACOB, CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.

BY ADVOCATE GENERAL SHRI C.P. SUDHAKARA PRASAD.
BY SR. GOVERNMENT PLEADER SMT. R. MEERA.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C) No. 899 OF 2007

.....

Dated this the 30th July, 2007

J U D G M E N T

H.L. Dattu, C.J:

Alleging that the respondent has disobeyed wilfully and deliberately, the orders passed by this Court in O.P.No. 19891 of 1997 dated 30th January, 2004 and the undertaking given by the respondent in the counter affidavit filed in Contempt Case (C) No. 1707 of 2004, the complainant is before us in this Contempt case filed under sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, requesting us to initiate appropriate contempt proceedings against the respondent herein, who is none other than the Chief Secretary to the Government.

2. When the matter was posted before this court on the last date of hearing, we had directed the Chief Secretary to the Government/contemnor to be present before the court for the purpose of framing charges.

3. May be realising the possible consequences that may result in this Contempt case, yet another counter affidavit is filed by the Chief Secretary, today. In paragraph 8 of the counter affidavit, the respondent/contemnor has stated as under:

> *"In such circumstances, the Government decided to rework the total scheme. Recognizing the urgency and the difficulty in having multiple agencies, the Government also decided that the Kerala Water Authority shall be the sole agency responsible for the implementation of the project and the KWA was directed to take up the work for immediate execution. Accordingly, as stated hereinbefore, the KWA has issued the tender sanction for the sewage treatment plant amounting to Rs.5.60 crores to be*

awarded to M/s. Navin Construction Corporation, the lowest tenderer and the work is to be completed within a period of 18 months. The Government shall ensure that no further delay will occur in implementing the Guruvayur Sewage Treatment Plant."

4. Keeping in view the position that the respondent/contemnor occupies and also keeping in view the affidavit of undertaking filed, for the present, we do not intend to frame charges against the respondent/contemnor for violating the order passed by this court, deliberately and wilfully. Accordingly, the following:

O R D E R

i) Placing on record the affidavit dated 30.07.2007 filed by the respondent/contemnor, this Contempt Case is closed for the present.

ii) A direction is issued to the respondent/contemnor to see that the work of the project shall be completed as expeditiously as possible as undertaken in the affidavit, and at any rate, within 18 months from today.

iii) We make it clear, that this is the last chance given to the respondent/contemnor to comply with the orders and directions issued by this court in O.P.No. 19891 of 1997 dated 30th January, 2004.

iv) I.A.No. 438 of 2007 is also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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